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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/839,645	04/20/2001	Dietrich Charisius	30013630-0012	2133

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EXAMINER

INGBERG, TODD D

ART UNIT	PAPER NUMBER
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2124

DATE MAILED: 10/06/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/839,645

Applicant(s)

CHARISIUS ET AL.

Examiner

Todd Ingberg

Art Unit

2124

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-170 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 76-131 is/are allowed.
- 6) ☒ Claim(s) 1-75 and 151-170 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 April 2001 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4.5.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

Claims 1 – 170 have been examined.

### *Information Disclosure Statement*

1. Information Disclosure Statements of July 17, 2001 and August 13, 2001 have been considered.

### *Specification*

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### *Claim Rejections - 35 USC § 101*

3. Claims 1 – 75, 151 -170 have been rejected under 35 U.S.C. 101 for failing to be concrete and tangible. The Examiner has shown one way to overcome this rejection below.

#### Claim 1

A method in a data processing system **stored on a computer readable medium and executing on a computer** for developing source code having a plurality of elements, the method comprising the steps of: converting the source code into a language-neutral representation; using the language-neutral representation to display a graphical representation of the plurality of elements; receiving a selection of one of the plurality of elements; receiving an indication of a distance; receiving an indication of a type of link; determining from the language-neutral representation which of the plurality of elements is connected to the selected element via a link of the indicated type and within the indicated distance; and displaying the determined elements.

#### Claim 19

A method in a data processing system **stored on a computer readable medium and executing on a computer** for developing source code having a plurality of elements, the method comprising the steps of: receiving a selection of one of the plurality of elements; receiving an indication of a distance; receiving an indication of a type of link; and determining which of the plurality of elements is connected to the selected element via a link of the indicated type and within the indicated distance.

#### Claim 38

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A method in a data processing system **stored on a computer readable medium and executing on a computer** for developing source code having a plurality of elements, the method comprising the steps of: receiving a selection of one of the plurality of elements; receiving an indication of a distance; and determining which of the plurality of elements is within the indicated distance from the selected element.

Claim 57

A method in a data processing system **stored on a computer readable medium and executing on a computer** for developing source code having a plurality of elements, the method comprising the steps of: receiving a selection of one of the plurality of elements; receiving an indication of a type of link; and determining which of the plurality of elements is connected to the selected element via a link of the indicated type.

Claim 151

A data processing system **executing on a computer** comprising: a secondary storage device further comprising source code having a plurality of elements; a memory device further comprising a program that receives a selection of one of the plurality of elements, that receives an indication of a distance, that receives an indication of a type of link, and that determines which of the plurality of elements is connected to the selected element via a link of the indicated type and within the indicated distance; and a processor for running the program.

Claim 170

A system for developing source code **stored on a computer readable medium and executing on a computer** having a plurality of elements, the system comprising: means for receiving a selection of one of the plurality of elements; means for receiving an indication of a type of link; and means for determining which of the plurality of elements is connected to the selected element via a link of the indicated type.

### ***Double Patenting***

4. Claims 57 – 75, 132 – 150 and 170 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 - 69 of copending Application No. 09/680,063. Although the conflicting claims are not identical, they are not patentably distinct from each other because both applications claim object modeling and the ability to create relationships.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 57 – 75, 132 – 150 and 170 are rejected under 35 U.S.C. 102(b) as being anticipated by Visual Modeling with Rational Rose and UML, by Terry Quantrani. published December 18, 1997, registered March 10, 1998.

**Claim 57**

UML anticipates a method in a data processing system for developing source code having a plurality of elements, the method comprising the steps of: receiving a selection of one of the plurality of elements; receiving an indication of a type of link; and determining which of the plurality of elements is connected to the selected element via a link of the indicated type. (UML in Chapter 4 teaches creating classes and in Chapter 6 teaches how to link classes together in object modeling.)

**Claim 58**

The method of claim 57, further comprising the step of displaying the determined elements. (UML, Chapter 4, page 46 and definition for intended use of tool on page 212)

**Claim 59**

The method of claim 57, wherein the selected element comprises a class. (UML, Chapter 4, page 46 and definition for intended use of tool on page 212)

**Claim 60**

The method of claim 57, wherein the determined element comprises a class. (UML, Chapter 4 and definition for intended use of tool on page 212)

**Claim 61**

The method of claim 57, wherein the selected element comprises an interface. (UML, Chapters 4 & 6, page 56 and definition for intended use of tool on page 212 and inheritance page 80)

**Claim 62**

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The method of claim 57, wherein the determined element comprises an interface. (UML, Chapters 4 & 6 and definition for intended use of tool on page 212 and inheritance page 80)

**Claim 63**

The method of claim 57, wherein the type comprises a reference. (UML, pages 105 – 106).

**Claim 64**

The method of claim 57, wherein the type comprises a super class.  
Classes as per claim 59 above in view of intended use of tool on page 216.

**Claim 65**

The method of claim 57, wherein the type comprises a sub class. UML, page 46 steps 1 - 3 creation of a class without adding attributes or methods is a stub.

**Claim 66**

The method of claim 57, wherein the type comprises a super interface. UML, page 34 – 37, extends.

**Claim 67**

The method of claim 57, wherein the type comprises a sub interface. UML, Chapters 4 & 6 , inheritance link page 80)

**Claim 68**

The method of claim 57, wherein the type comprises an implemented interface. (UML, Chapters 4 & 6 , inheritance the derived type).

**Claim 69**

The method of claim 57, wherein the type comprises an association. UML, pages 77 – 78.

**Claim 70**

The method of claim 57, wherein the type comprises a dependency. UML, pages 80 and 101.

**Claim 71**

The method of claim 57, wherein the type comprises an aggregation. UML, page 78 – 80.

**Claim 72**

The method of claim 57, wherein the type comprises a composition. UML, pages 86- 89, part-of among packages.

**Claim 73**

The method of claim 57, wherein the type comprises an inheritance. UML, page 80.

**Claim 74**

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The method of claim 57, wherein the type comprises an implementation. Interpreted to be the instantiation of objects from the UML diagram.

**Claim 75**

The method of claim 57, wherein the selected element and the examined element are in a package. UML, pages 86- 89, part-of among packages.

**Claim 132**

UML anticipates a computer-readable medium containing instructions for controlling a data processing system to perform a method, the data processing system having source code comprising a plurality of elements, the method comprising the steps of: receiving a selection of one of the plurality of elements; receiving an indication of a type of link; and determining which of the plurality of elements is connected to the selected element via a link of the indicated type. As per claim 57.

**Claim 133**

The computer-readable medium of claim 132, wherein the method further comprises the step of displaying the determined elements. As per claim 58.

**Claim 134**

The computer-readable medium of claim 132, wherein the selected element comprises a class. As per claim 59.

**Claim 135**

The computer-readable medium of claim 132, wherein the determined element comprises a class. As per claim 60.

**Claim 136**

The computer-readable medium of claim 132, wherein the selected element comprises an interface. As per claim 61.

**Claim 137**

The computer-readable medium of claim 132, wherein the determined element comprises an interface. As per claim 62.

**Claim 138**

The computer-readable medium of claim 132, wherein the type comprises a reference. As per claim 63.

**Claim 139**

The computer-readable medium of claim 132, wherein the type comprises a super class. As per claim 64.

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**Claim 140**

The computer-readable medium of claim 132, wherein the type comprises a sub class.  
As per claim 65.

**Claim 141**

The computer-readable medium of claim 132, wherein the type comprises a super interface.  
As per claim 66.

**Claim 142**

The computer-readable medium of claim 132, wherein the type comprises a sub interface.  
As per claim 67.

**Claim 143**

The computer-readable medium of claim 132, wherein the type comprises an implemented interface. As per claim 68.

**Claim 144**

The computer-readable medium of claim 132, wherein the type comprises an association.  
As per claim 69.

**Claim 145**

The computer-readable medium of claim 132, wherein the type comprises a dependency.  
As per claim 70.

**Claim 146**

The computer-readable medium of claim 132, wherein the type comprises an aggregation.  
As per claim 71.

**Claim 147**

The computer-readable medium of claim 132, wherein the type comprises a composition.  
As per claim 72.

**Claim 148**

The computer-readable medium of claim 132, wherein the type comprises an inheritance.  
As per claim 73.

**Claim 149**

The computer-readable medium of claim 132, wherein the type comprises an implementation.  
As per claim 74.

**Claim 150**

The computer-readable medium of claim 132, wherein the selected element and the examined element are in a package. As per claim 75.



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**Claim 170**

UML anticipates a system for developing source code having a plurality of elements, the system comprising: means for receiving a selection of one of the plurality of elements; means for receiving an indication of a type of link; and means for determining which of the plurality of elements is connected to the selected element via a link of the indicated type. As per claim 57.

***Allowable Subject Matter***

7. Claims 76 – 131 are allowed. Claims 1 – 56 and 151 – 169 contain allowable subject matter but are currently rejected above. All independent claims are directed toward object modeling. Allowable subject matter pertains to the calculation of a “distance” between components. The prior art is silent in calculation and display of the distance as seen in figures 20B and 24

Claim 1 is copied below and the limitation indicated below.

A method in a data processing system stored on a computer readable medium and executing on a computer for developing source code having a plurality of elements, the method comprising the steps of: converting the source code into a language-neutral representation; using the language-neutral representation to display a graphical representation of the plurality of elements; receiving a selection of one of the plurality of elements; receiving an indication of a distance; receiving an indication of a type of link; determining from the language-neutral representation which of the plurality of elements is connected to the selected element via a link of the indicated type and within the indicated distance; and displaying the determined elements.

***Conclusion***

8. Amendment of claims to include allowable subject matter will present redundant claims.

***Correspondence Information***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Todd Ingberg** whose telephone number is (703) 305-9775.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Kakali Chaki** can be reached on (703) 305-9662. Please, note that as of August 4, 2003 the **FAX number** changed for the organization where this application or proceeding is assigned is (703) 872-9306.

Also, be advised the United States Patent Office **new address** is

Post Office Box 1450

Alexandria, Virginia 22313-1450

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9700.

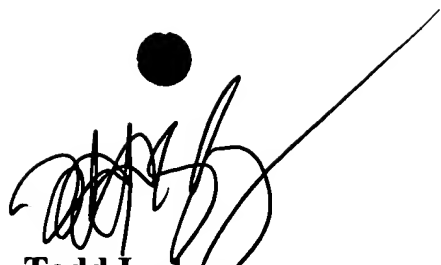
***Special Notice***

10. Please, Note the Examiner's telephone number will change in October when the Art Unit moves to the new location. The Examiner's new telephone number will be as follows:

**(571) 272-3723**

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**Todd Ingberg**  
Primary Examiner  
Art Unit 2124  
September 29, 2004